

AGENDA
City Council Members' "Noon" Meeting
Monday, January 10, 2000
Conference Room 113

I. MINUTES

- *1. Pre-Council Meeting Minutes - RE: East "O" Street Project - December 13, 1999.
- *2. Pre-Council Meeting Minutes - RE: Human Rights-Policy & Procedures - December 20, 1999.
- **3. Pre-Council Meeting Minutes - RE: Police and Fire Pensions-(Deferred Retirement Option Plan(Executive Session) - December 20, 1999.
- **4. Minutes of "Noon" Council Members' Meeting -
December 20, 1999
 - 5. Minutes from Director's Meeting of November 29, 1999.
 - 6. Minutes from Director's Meeting of December 20, 1999.
 - 7. Pre-Council Meeting Minutes - RE: EMS-Certificate Renewal On Ambulance Service - December 13, 1999.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

- *1. EMS Task Force Meeting (Johnson)
- *2. Lincoln Action Program Meeting (McRoy)
- *3. Star City Holiday Festival Board Meeting (McRoy) - **CANCELLED**
- *4. Small PRT Meeting (Report Optional)(Seng)
- **5. Downtown Lincoln Association Board Meeting (Seng) - **CANCELLED**
- **6. PRT Meeting (Shoecraft)
- **7. ENTRYWAY DESIGN MEETING (Fortenberry)
- **8. ISPC MEETING (Fortenberry)
- **9. JBC (Seng/Johnson)
- **10. NEIGHBORS' FOCUS GROUP (Report Optional)(McRoy)
- **11. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT (Seng)
- **12. MAYOR'S DOWNTOWN ACTION TEAM (Seng)
- **13. STARTRAN TASK FORCE MEETING (McRoy/Seng) - **POSTPONED TO 1-11-00**

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

- **1.** Material from Jennifer Brinkman - RE: Boards and Commission Appointments (See Material).
- **2.** Appointments to *Nebraska Capitol Environs Commission*
Karen Kilgarin (Replacing Allen Beerman)//To 01-09-2003
Kim Todd - Reappointment//To: 01-09-2003
Government Access and Information Committee (GAIC)
Susan Holland (Reappointment) - To: 01-01-2002
Mark Dahmke (Replacing John Davis) - To: 01-01-2002

IV. MEETINGS/INVITATIONS

- 1. The Information And Referral Committee of the Human Services Federation invites you to a Skill Building - BROWN BAG LUNCHEON - "Multi-Cultural Issues" American Indian - on Wednesday, January 12, 2000 from Noon to 1:00 p.m. - at the Lancaster County Extension Office, 444 Cherrycreek Road - there is no charge for this workshop - Please bring your own! Coffee and Ice Tea will be provided - Please return by 1/10/00 or call Sheryl Haas at 471-4515, ext.156 (See Invitation).

V. COUNCIL MEMBERS

VI. REQUESTS OF COUNCIL FROM MAYOR - NONE

VII. MISCELLANEOUS

- 1. Discussion on Council's Letterhead and Business cards for final approval.

VIII. ADJOURNMENT

*HELD OVER FROM DECEMBER 27, 1999.

**HELD OVER FROM JANUARY 3, 2000.

CA1102000/tjb

MINUTES
CITY COUNCIL MEMBERS “NOON” MEETING
MONDAY, JANUARY 10, 2000
CONFERENCE ROOM 113

Council Members Present: Coleen Seng, Chair; Jeff Fortenberry, Vice-Chair; Jon Camp, Jonathan Cook, Annette McRoy, Cindy Johnson, Jerry Shoecraft.

Others Present: Ann Harrell, Mayor’s Office; Dana Roper, Rick Peo, City Attorney’s Office; John Bradley, Mike DeKalb, Ray Hill, Planning Department; Mark Hunzeker, Attorney; Rob Otte, Attorney; Joan Ray, City Council Secretary; Kevin Berkland, Rural Metro; and Chris Hain, *Lincoln Journal Star* Representative.

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Ms. Seng, Council Chair, requested a motion to approve the above-listed minutes. Jonathan Cook moved approval of the minutes, as presented. Annette McRoy seconded the motion, which carried by the following vote: AYES: Jonathan Cook, Annette McRoy,, Coleen Seng, Jeff Fortenberry. Jerry Shoecraft, NAYS: None; ABSENT FOR VOTE: Cindy Johnson, Jon Camp.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

- *1. EMS TASK FORCE MEETING (Johnson) Ms. Johnson was not present when this was called.
- *2. LINCOLN ACTION PROGRAM MEETING (McRoy) - Meeting was Cancelled.
- *3. STAR CITY HOLIDAY FESTIVAL BOARD MEETING (McRoy) - **CANCELLED**
- *4. SMALL PRT MEETING (Report Optional) (Shoecraft) - No Report
- **5. DOWNTOWN LINCOLN ASSOCIATION BOARD MEETING (Seng) - **CANCELLED**

****6. PRT MEETING (Shoecraft) No Report - Cases Pending**

****7. ENTRYWAY DESIGN MEETING (Fortenberry)** Mr. Fortenberry reported that they had a productive meeting last week. The architectural firm is Erickson Sullivan and, in a joint venture with Kim Todd, they are working to come up with a design scheme for the entryway. The Committee discussed exactly what the needs and scope of the project might be. They've basically suggested that the design standards be proposed as well as some renderings of ideas that could be implemented, either fully or in increments. The focus would be on 27th and Interstate first; then the downtown and the baseball corridor; and then the airport area. We should have something back from them in about a month.

Ms. Seng commented that it's very exciting and finally it's moving. Mr. Fortenberry commented that everyone seems really motivated and enthusiastic about the project. Ms. Seng thanked him for his perseverance on this project.

****8. ISPC MEETING (Fortenberry)** Mr. Fortenberry reported that he finally went to one of those meetings, which basically represent the high-tech wing of the City. He noted that some of it was over his head, but one thing that he pushed at the meeting was, in concurrence with the Mayor's stated priority of the matter, to offer electronic commerce opportunities within the City. That would mean that the public would be able to pay bills and fees electronically on the computer with credit cards or a cash chip system. It could result in a great savings for the City and also afford better public service. He commented that we would stop short of allowing the payment of tax bills because the fee would be too high & millions of dollars could be lost, potentially, on the fees to credit card companies. But the other, smaller bills that take up citizens' time. He noted that Animal Control has already implemented this.

Mr. Shoecraft noted that he had implemented through the Department of Revenue electronic funds transfer for tax payments and that has been successful. He asked why the electronic tax payments would not be feasible for the City. Mr. Fortenberry commented that he did suggest in regards to tax receipts that it could be negotiated with the bank that holds our accounts that if the City did implement the electronic tax payment capability, obviously they'd get paid quicker and would have a longer holding period for the funds which might offset any transaction fee that we would have to incur, which is the credit card charge. So that was brought up and discussed. It is definitely on the way; probably within ten years it will be a reality.

Mr. Camp noted that he had an article that he'd like to share with Council from this week's issue of *Business Week* that discusses paying parking fines electronically which could save on personnel costs and everyone's time.

Ms. Seng asked if everyone on that Committee is now privy to the publications that have been coming out from other cities which share what those cities are doing. She cited *Governing* magazine as an example that frequently carries articles on what other cities are doing in this area at both City and County levels. Mr. Fortenberry commented that the only outside person on the Committee is himself, noting that everyone else is internal personnel - techno-wizards like Doug Thomas. Ms. Seng stated that even so, they might not have access to the information she's mentioned. Mr. Fortenberry commented that if she has something she'd like the Committee to see, he would get it to them.

He stated that he felt the group was headed in the right direction and felt if the Council wanted to help them get aggressive about this, perhaps we could set up a meeting with the Mayor to set that as a general policy goal. Information Services is very eager to implement the program so if we make it a public

policy measure, we can move more quickly on it. Ms. Harrell felt that the City would wind up there eventually anyway, so we “might as well get crackin’” on it.

****9.** JBC (Seng/Johnson) Ms. Seng reported that she had been at the meeting Friday morning and JBC is nearing the end of the Hanna-Keelan Report on Human Services. For those of you who aren’t plugged in to this, it is very, very important to all the folks who live and breath Human Services. The County has really been involved in this, as has been the United Way. She noted to Ms. Johnson that the date for their final meeting with JBC was changed from Thursday of this week to another date, which she would get to Ms. Johnson later.

The Keno Prevention Advisory Committee will be meeting shortly. Just so you know, this is Round Twelve and there is only about \$35,000.00 to parcel out and there are \$136,000.00 requested under these little \$7,900.00 requests from various human services agencies throughout the area. So, these agencies are really coming out and requesting this small amount of money.

JBC started looking at the year 2000 funding priorities. The County has a lot to say about the Juvenile Justice program. She noted that if Council reads that activity report from Kit Boesch, it would provide a pretty good overview of everything involved with that program.

****10.** NEIGHBORS’ FOCUS GROUP (Report Optional) (McRoy) - No Report

****11.** LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT (Seng) Ms. Seng indicated that she had not been going to that though some people have requested that she start attending. She commented that she may begin attending these meetings and will have a report back to Council later.

****12.** MAYOR’S DOWNTOWN ACTION TEAM (Seng) Ms. Seng reported that, so Council understood, the Building Commission in cooperation with the DLA, had sent out an RFP for a group to look at the first floor of the Old Federal Building now that it is not being used. And, at the same time that this was happening, the tower portion of the State Capitol was under renovation. The offices there were being subjected to so much construction noise that they were forced to relocate during the process. The State called Don Killeen and asked if the City or County or Building Commission had any space available for the duration of the renovation period. Fortunately, the Courts had been moved out of the Old Federal Building back into the Hall of Justice; so the furniture is all there, so the offices that were located in the tower of the State Capitol can move right into the Old Federal Building.

This was discussed with the Mayor’s Downtown Action Team members and it will be discussed again tomorrow at the Public Building Commission meeting. The recommendation will be that we cooperate with the State; so that news will be coming out of the Building Commission tomorrow.

The Downtown Action Team felt very comfortable with the arrangement and the folks were in from the Leland Group from Denver who are doing the study of the Old Federal Building. Since it would be 18 months that the State will need the space there, that time line will fit with what the Leland group is doing.

****13.** STARTRAN TASK FORCE MEETING (McRoy/Seng) - **POSTPONED TO 1-11-00.**

OTHER MEETING REPORTS - Mr. Fortenberry asked, regarding the StarTran Task Force Meeting, that one of the concerns he had was that the City is providing an extremely high level of service for a very

marginal benefit. He hoped that this would be a part of the discussion at the meeting. Ms. Seng assured him that it would be.

Mr. Fortenberry also asked if a Council representative has gone to the Lincoln Partnership for Economic Development before? Ms. Seng commented that no one has. She noted that she had been receiving invitations, but no one from the Council has ever gone. Mr. Fortenberry felt it would be great if someone could attend. Ms. Seng answered that she would be struggling a little, but would see if she can get that meeting hooked in to her schedule. She stated that she felt Council needed to attend and noted that she had been asked by some of the members of the group if she wouldn't attend. She also noted that next years Council Chair would be responsible for attending.

Mr. Camp wanted to echo something that Mr. Fortenberry had commented on regarding StarTran. He commented that he had talked with Larry Worth and several others on the downtown shuttle concept. He hoped this would be discussed at the meeting as well.

Ms. McRoy stated that she was dropping the StarTran Task Force from her committee assignments, so if someone else would be interested in taking that spot, that would be fine. She explained that she had the Concert Entertainment Task Force which will be filling a great deal of her schedule. She noted that she was interested in StarTran, but unfortunately could only schedule so many meetings. Ms. Seng stated that she would report back after tomorrow night & see how it goes and see if Council needed to have someone on the Committee.

* - Held Over from December 27th, 1999

** - Held Over from January 3rd, 2000

III APPOINTMENTS/REAPPOINTMENTS -

1. Material from Jennifer Brinkman - RE: Boards and Commission Appointments

Mr. Fortenberry asked where the Charter Revision Committee comes from. He asked if the requirement for a Charter Revision Committee is set out in the Charter. Mr. Roper answered that he thought it was set out in the Charter and by Ordinance. Mr. Fortenberry asked if it was in the Lincoln City Charter. Mr. Roper indicated that he would check and find out. Mr. Fortenberry stated that the reason he inquired was because it seems to be one of those things that just exists with a very minimal purpose and he would think it might be better to call a task force when there were actual Charter Review issues to be considered, rather than having an on going body formalized like this. Ms. Seng commented that she had never been associated with the Charter Review Committee

2. Appointments to *Nebraska Capitol Environs Commission*

Karen Kilgarin (Replacing Allen Beerman)//To 01-09-2003

Kim Todd - Reappointment//To: 01-09-2003

Government Access and Information Committee (GAIC)

Susan Holland (Reappointment) - To: 01-01-2002

Mark Dahmke (Replacing John Davis) - To: 01-01-2002.

Noted without Comment

ADDENDUM

1. Donald R. Stading and Lloyd Hinkley for reappointment to the Lincoln Hospital Association Board for an additional term to expire December 31, 2002. - Ms. Seng requested Ms. Ray to check with City Attorney Dana Roper to see if this needed to be handled through the Council Office. **[Mr. Roper indicated that it would. A resolution request form regarding the reappointments was forwarded to Clerk Malzer on 1-10-00]**

Addendum Miscellaneous - The January Common was moved from Friday the 21st to Friday the 28th of January at 8:00 a.m. due to an expected lack of quorum for the County Commission.

IV. MEETINGS/INVITATIONS - *Noted Without Comment (Including Addendum)*

V. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

JEFF FORTENBERRY - No Further Comments

CINDY JOHNSON - No Further Comments

ANNETTE McROY - No Further Comments

COLEEN SENG - No Further Comments

JERRY SHOECRAFT - No Further Comments

DANA ROPER - No Further Comments.

ANN HARRELL - Ms. Harrell passed out an updated site plan for the baseball complex. There were a couple of things that were not quite accurate in the material Council received a few weeks ago...this was just a revised plan with no substantive differences. The second thing covered in the hand out was the updated version of the time line for the project. The third item included is a little more information provided by the technological impact consultant with regard to the property tax implications of the project.

Mr. Cook asked about the bridge as shown on the map in the hand out material. He asked about Charleston Street, which used to have a nice median entrance. Does the bridge have to be narrowed? He noted that the City was getting Federal money to replace that bridge anyway. Ms. Harrell commented that

she was not a design engineer and asked if it would be okay to have somebody who is an engineer contact Mr. Cook with a response? Mr. Cook indicated that that would be fine.

Ms. Harrell also asked Council for guidance regarding the scheduling of the next pre-council on the baseball issue which will cover the land usage and the final set of documents. She asked when Council would like to schedule that next Pre-Council. **[The Council, after discussion, agreed to meet before the proposal goes to the Board of Regents. This would put the meeting at Tuesday, February 22nd at 5:00 p.m. - (45 Minutes) prior to the Night Meeting on that date.]**

VI. REQUESTS OF COUNCIL FROM MAYOR - *None*

VII. MISCELLANEOUS - Ms. Seng noted that if there were any corrections on the City Council Letterhead [and business cards] as shown on the samples attached to today's "Noon" Agenda, to give them to Joan to be forwarded to CIC for correction. - [None received. CIC notified 1-12-00 for pickup and printing.]

Ms. Seng reminded everyone that Council would be meeting on Tuesday, January 18th at 5:00 p.m. for Discussion on restructuring Council procedures. She requested that if anyone had items that they would like to have discussed, please submit them to her. She thought that Council would not be able to get everything discussed on the 18th, but would be able to set up a longer meeting for another date. She noted that she has started a file and has been putting things in there - suggestions and requests that she has heard since the restructuring process discussion first began. She informed Council that she also had some information on other communities regarding this issue and suspected that Council would need some outside help before everything was finalized.

Mr. Cook asked how this ties in with the Charter Revision Committee and asked if the Council's suggestions went to that group, and if so, what or how do they act upon those suggestions. What do they do? Mr. Fortenberry stated that that was what he was asking. Mr. Fortenberry had asked once for a change in the Charter and his request had been voted down. Ms. Seng commented that that had been in regard to the Charter. Mr. Cook commented that there are other things that aren't Charter related; but some of the suggestions that he had heard would clearly require a Charter change. Mr. Fortenberry stated that that is why he is asking whether or not the City has to have a Charter Revision Commission set out in the Charter itself. Mr. Cook felt that was probably in an ordinance. Mr. Fortenberry commented that he just wanted to double check to make sure that it is not in the Charter.

Ms. Seng asked Mr. Roper what he had found out. Mr. Roper stated that he did not believe that the Charter Revision Committee is required in the Charter, but is empowered by Ordinance. Ms. Johnson noted that then, technically, if Council wanted to change the Charter, the Council could just do it themselves, by ordinance - to eliminate the Charter Revision Committee. Then Council could vote to have Charter changes go to the ballot. She asked if right now everything goes to the Charter Revision Committee before it comes to Council. Mr. Roper agreed that that has been the procedure.

Mr. Shoecraft asked if they were discussing ballot issues. Ms. Johnson stated that yes, if we're discussing Charter issues, that would have to go to the ballot for change. Mr. Roper agreed. He requested some time to think about that, but he felt that what Ms. Johnson had outlined would be possible. He noted that it comes through Council before it goes to the Election Commissioners Office as a procedure anyway.

Ms. Johnson asked if Council then was wasting its time. She didn't want to put down the efforts of the people on the Charter Revision Committee, but if Council has the option of doing whatever they want to do anyway, regardless of what the Charter Revision Committee recommends, which is what we've done before...?

Mr. Roper stated that there is some value in having the Committee if an issue is a complicated one, or one that deserves some study that Council may not have time to do. Otherwise, in a normal year when there are no pressing issues, the Committee is a waste. The ordinance states now that the Committee *must* meet every six months. That could be stricken and replaced with a requirement of "as needed". That way, if there was no need, they would not have to meet.

Mr. Fortenberry commented that it seemed that if there were Charter related issues, that a better way to handle it would be to have some Council-like body to review the technical aspects, but set up task forces as individual issues come up and get people who have some expertise on each particular issue to review that

Ms. Seng suggested that this discussion continue at the Reorganizational Meeting at the Tuesday, January 18th Pre-Council Meeting since what is decided there might effect whether or not we choose to keep the Charter Revision Committee.

Another item Ms. Seng mentioned concerned the Health Department's changing of their annual meeting date. The dinner is now Friday evening, January 28th. The afternoon of the 28th will be the conference. She explained to the "new" Council members that the Health Department Dinner is a huge, huge event with sometimes as many as 500 people in attendance. Attendance by Council Members would be a plus.

Ms. Seng requested that Ms. Harrell bring forward for discussion the Billboard issue. Ms. Harrell called Mr. Rick Peo and Mr. Mike DeKalb forward for the discussion. She noted that there was not a vast amount more to say on the topic at this point. A revised ordinance had been sent out on Friday that Staff feels represents a good compromise...based on quite a number of discussions held last week. She hoped Council had had a chance to review that ordinance and requested that one of the Council Members would introduce it today at the Council meeting as a substitute ordinance and that Council would support it.

She added that there was one new development. She noted that Ms. Johnson happened to be meeting with the Mayor on a variety of topics and this was discussed briefly. One thing that Ms. Johnson suggested, and it is certainly appropriate, is that a year from now Staff submit a report summarizing what has occurred in the year since the passage of the ordinance. The situation can be reviewed at that time.

Ms. Johnson commented that the reason she had suggested that was because she did not particularly care for the Special Permit process. But, if it is the way Council chooses to go, we need to evaluate the impact.

Ms. Harrell stated that they would need to have someone to introduce the substitute ordinance. Mr. Fortenberry volunteered to do so and Ms. McRoy agreed to second such a motion. ~~There was~~ continued discussion on this issue. *[The final outcome at the Formal Council Meeting on January 10th, 2000, was acceptance of the Substitute Ordinance which passed 7-0. - Ordinance #17585 - Also, see Mark Hunzeker's remarks at Page 8 of these Minutes]*

Ms. Seng introduced Mr. Rob Otte who wanted to comment on the Black Forest Estates legislation that would be before Council today. Mr. Otte stated that he and his client were, perhaps not thrilled, but comfortable with proceeding on the proposal that has been worked out with the Planning Staff. He noted that it was an arduous process, but within the last week, a fair amount of time and effort was spent and a proposal agreed upon that he felt Council could support, administration can support, the neighborhoods can support and certainly the developer can support. Ms. Seng explained that what would happen today would be a reconsideration of Resolutions A-79933 (SP 1786) and A-79934 (Black Forest Estates Pre Plat). The reconsideration would be voted upon. If it passed, then at the following Council Meeting on January 18th the resolutions would be voted upon.

Ms. Seng asked who would make the motion for the reconsideration, noting that it would have to be someone who voted in favor of the resolutions. Mr. Camp commented that he would make the motion for reconsideration, since the project is in his district. It was determined that there will be no further public hearing. Mr. Cook asked if the Council would amend the reconsidered resolutions next week with whatever substitute has been worked out. Mr. Peo stated that the substitute resolution would be presented to Council at that time. Ms. Harrell noted then that Council would approve it and it would be sent back with that week's ordinances and resolutions for mayoral signature.

Ms. Seng thanked everyone who worked on this issue so diligently.

Mr. Shoecraft felt this cooperation was how Council should be operating all the time. But, since we've had the discussion about Black Forest Estates and everyone is agreed that it will be reconsidered and voted upon next week; however, on the substitute Billboard Ordinance, he commented that he had still not heard from the industry regarding that substitute ordinance.

Ms. Seng invited Mr. Mark Hunzeker to come forward on behalf of the industry with comments regarding the billboard legislation. Mr. Hunzeker commented that, frankly, the spacing set out in the substitute ordinance was an idea that he had mentioned to Mike DeKalb a month ago. He commented that the spacing was acceptable in the Residential areas.

He commented further that the industry did *not* agree with the increase in spacing from 500 feet to 600 feet. He stated that this would simply exacerbate the problem that the industry already has. He explained that the industry was willing to go with the 500 foot radial spacing, which was more than they had wanted originally, but we feel 600 feet is more than is necessary or desirable for adequate spacing. He stated that there was also concern with the spacing from parks and schools. He requested that Council at least consider some minimum sites on the parks, because there are some that we know of, with the classic example being 27th and Holdrege where there is a little piece of excess right-of-way on the southeast corner of that intersection that is called a park. It is probably a smaller area than this conference room. But, under this ordinance, it creates a 600 foot halo within which a sign cannot be placed - where otherwise it could be placed. That's why the industry feels the spacing requirements are important. He commented that this is a concern, even knowing that the special permit is available. But he added that that process is one they would prefer to avoid.

Mr. Cook commented about the attorneys speaking at the "Noon" Meeting. He noted that there are people who are concerned about this particular kind of access to the Council at these kinds of meetings where the public is not invited to speak out on what they think about the substitute ordinance. He felt that many of them would feel that the ordinance is not strong enough.

Ms. Seng noted that Council had been very generous in allowing attorneys on both of these issues access to Council's consideration on these topics.

VIII. MEETING ADJOURNED Approximately 1:00 p.m.

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